WP(C) 3042/2007
BEFORE
THE HON'BLE MR JUSTICE AFTAB H. SAIKIA

Heard learned counsel for the parties including the learned State Counsel, Assa m representing the official respondents.

2. Keeping in view the issue raised in this writ petition which pertains to allegation of non-holding of the Annual general Meeting (for short, the AGM')El ection of the S.B. Housing Co-operative Society Ltd. (for short,' the Society') in violation of the provision of law laid down in the Assam Co-operative Socie ties Acts, 1949 (for short, 'the Act') and also upon hearing the learned counsel for the parities, this Court proposes to dispose of this writ petition today it self at the motion stage.

3. Having meticulously perused the materials made available before this Cou rt including the sworn statements and averments made as well as the supporting d ocuments so annexed to this writ petition, it appears that initially this Cour t vide order dated 21.6.2006 moved by some shareholders of the society, directed the petitioner to approach the Commissioner and Secretary, Government of Assam , Co-operative Department, Dispur, Guwahati-6 to dispose of the representation so presented to him containing all the grievances narrated in the said writ pet ition within a time frame.

4. In compliance of the High Court's order above referred, the competent a uthority i.e. the Registrar, Co-operative Societies, Assam dissolved Ah-hoc C ommittee of the Society prevalent during the relevant time and in its place one Sri Baneswar Terang, was appointed as Executive Officer to manage and perfor m the affairs of the society with specific direction that he would hold the AGM /Election of the Society within 90 days from the date of issue of the order i.e . 24.8.2006.

5. Nevertheless the AGM/ Election was never held by the said officer within the stipulated time so fixed vide order 24.8.2006.

6. Be that as it may, on later period the good conscience prevailed upon t he officer concerned and accordingly he made an attempt to hold AGM on 28.4.20 07 by issuing notice on 13.4.07. That meeting also could not be held due to the reason best known to the officer concerned and accordingly vide order dated 28.4 .07 the proposed AGM was again postponed until further orders.

7. Subsequently vide order dated 8.5.07 once again a notice was issued for holding AGM on 27.5.07.

8. When the process of election above referred was on, for the reasons bes t known to the authority concerned the said officer namely Sri Baneswar Terang was removed as Executive Officer of the Society and in his place another offic er namely Sri Baladev Sharma, was appointed Executive Officer vide order dated 17.5.2007, who in turn by the order dated 26.5.07 called off holding of the ge neral meeting so fixed on 27.5.07 for the reasons as enumerated in the notice it self.

9. In view of the above facts and circumstances it candidly and apparentl y transpires that the authority concerned is bent upon not to hold the election and the same is evident from the sequence of events as narrated herein above. In the circumstances, this Court considers it appropriate to give a specific d irection to the Respondent No.2, the Registrar Co-operative Societies, Assam, G uwahati to take necessary steps to hold the AGM/election of the Society within a period of 60 days from the date of receipt of the certified copy of this orde r. It is ordered accordingly.

It is needless to mention that Respondent No.2, the Registrar Co-operati

ve Societies, Assam, Guwahati shall ensure smooth holding of AGM/ election of the Society within the time frame as mentioned above.

This disposes of the writ petition.